MOTION FILED
MAY 9 1966

LIBRARY
SUPREME COURT, U. S.

No. 1261

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

DONALD E. SULLINS, *Petitioner*

v.

CALIFORNIA

MOTION OF THE NATIONAL HEALTH FEDERATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS, FOURTH APPELLATE DISTRICT, STATE OF CALIFORNIA

KIRKPATRICK W. DILLING,
Esquire
188 West Randolph Street
Chicago 1, Illinois

PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 1261

DONALD E. SULLINS, *Petitioner*

v.

CALIFORNIA

MOTION OF THE NATIONAL HEALTH FEDERATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS, FOURTH APPELLATE DISTRICT, STATE OF CALIFORNIA

---

1. The petition in the above-captioned matter was filed on behalf of Donald E. Sullins who was convicted in the death of his infant daughter for failing to take her to an allopathic physician but instead treated her according to the dictates of a dissident healing art in which he believed.

2. As is more fully developed in the attached brief, this Federation represents many tens of thousands of persons who believe in dissident healing arts. This

case affects all of them in their right to choose a healing art for themselves and their families. This brief amicus is filed to present the views of these interested persons.

3. The Attorney General's office of the State of California was requested to stipulate to the filing of this brief amicus without motion. This request was denied. It is therefore necessary to present this motion.

Respectfully submitted,

KIRKPATRICK W. DILLING,
Esquire
188 West Randolph Street
Chicago 1, Illinois

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 1261

DONALD E. SULLINS, *Petitioner*

v.

CALIFORNIA

BRIEF OF THE NATIONAL HEALTH FEDERATION AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEALS, FOURTH APPELLATE DISTRICT, STATE OF CALIFORNIA

The National Health Federation is a nationwide organization of tens of thousands of members and associate members in every state in the Union who believe in freedom in health matters. The organization believes in the freedom of individuals to have and use so-called health food products, natural foods as distinguished from highly processed foods and foods which have been subjected to all kinds of chemical sprays, some of which have been found to be dangerous

to the health. The Federation believes in the right of all citizens to be free from forced medication and forced chemicalization. The Federation believes in the freedom to choose the natural approach to health and the right not to be forced to practice any other particular healing art.

The Federation urges upon this Court the realization that the current majority healing art, known as allopathic medicine, has not reached perfection. Indeed, as the petition in this case points out, people die every day even when they are under the care of the best doctors that allopathic medicine or any other healing art can offer. Man has gone through many stages in his search for health. He has tried many approaches. Many of these have proved to be blind alleys. He has learned bits and pieces. Some of what he has thought he has learned has proved not to be so. He once bled people and used leeches. He has since time immemorium experimented with herbs and diet supplements. He has but recently begun to experiment with chemical drugs. In all of these attempts he has made what he thought was progress. Sometimes there was real progress. Often time showed that he had to retract.

The Federation does not claim that allopathic medicine has not made discoveries and has not experimented through the extensive use of drugs and surgery in areas hitherto not as extensively explored. But the Federation does urge that allopathic medicine has not yet cornered the market on the truth. And indeed as can be seen from the results of many of its experiments with drugs it has often discovered that its experiments can harm and kill. Unfortunately, allopathic medicine, as other disciplines, has discovered that it too can become infected by those who wish to experiment

for profit, who market drugs with more concern for corporate pocketbooks that for cure, and who dispense drugs under an MD license for experimentation purposes—collecting from both the patient and the drug company.

Permitting one group to become a state-endowed monopoly is as dangerous in the healing arts as it is in economics or in political thought—perhaps more so, for here we are dealing with life itself. Unfortunately man can be jealous of the known and reluctant to even consider what is new or different. History has shown that men of medicine can be as narrow and uncompromising as other men. History has shown that many discoveries that we now consider significant were rejected by the majority and their discoverers hounded. History contains many examples to prove this point. Recently two distinguished Senators, Lister Hill of Alabama and Paul Douglas of Illinois, had occasion to discuss this very matter on the floor of the United States Senate (109 Cong. Rec. 14499, 1963):

> Mr. DOUGLAS. Is it not true that Joseph Lister was nearly driven out of the medical profession by the British Medical Association because he said that surgery which was not antiseptic gave rise to infections and caused great mortality among the patients?
>
> Mr. HILL. He was subjected to many attacks.
>
> Mr. DOUGLAS. By the British Medical Association?
>
> Mr. HILL. By men prominent in that association.
>
> Mr. DOUGLAS. Is it not true that Lister was merely following the teachings of the great French physiologist, Louis Pasteur who discovered the germ theory of disease?
>
> Mr. HILL. He applied the discoveries of Pasteur to surgery.

Mr. DOUGLAS. Is it not true that Pasteur was nearly driven from his chair at the University of Paris by the doctors and physiologists of France?

Mr. HILL. That is correct.

Mr. DOUGLAS. Looking back in history, is it not also true that Semmelweis—and in our country Oliver Wendell Holmes, Sr.—who discovered the cause of puerperal fever, resulting in death of women in childbirth—the cause being the dirty hands of doctors—was nearly driven from the profession?

Mr. HILL. The truth is that poor Semmelweis was a martyr to the cause. He died, driven and hounded to his death.

Mr. DOUGLAS. He was driven to his death by the doctors?

Mr. HILL. That is true, because he insisted on washing his hands after he came out of the dissecting room, before he delivered a woman of a child.

Mr. DOUGLAS. It was thought that that was a reflection on the medical profession, who believed that their hands were always clean and could not have anything on them that would infect others.

Mr. HILL. Yes.

Mr. DOUGLAS. Is it not also true that Dr. Jenner, who developed the theory and practice of vaccination as a preventative, also was persecuted by the medical profession?

Mr. HILL. He was. He observed that the women in Scotland who milked cows and had cowpox largely secured an immunity from smallpox. That gave him the idea and he developed the vaccine which was the first vaccine we had against a dread disease.

Mr. DOUGLAS. Is it not true that the teachings of Lister were brought to this country by the celebrated Dr. W. W. Keen, who, after the Civil War, went to Scotland and studied under Lister and then came back to practice in Philadelphia, and who was virtually driven out of practice in

Philadelphia by the medical association and was only saved by some adventurous people on the board of the Pennsylvania General Hospital.

Mr. HILL. Dr. Keen was, according to history, the first American surgeon to use Lister's methods in Philadelphia.

Mr. DOUGLAS. As a young man, I spent an evening with Dr. W. W. Keen, who spoke of the persecution he had been subjected to by the leaders of the medical profession in the city of Philadelphia.

Mr. HILL. He was a very remarkable man. Keen's 14-volume work was almost a bible for surgery procedures.

Mr. DOUGLAS. Is it not true that Robert Koch, developer of 606, who did work on tuberculosis, suffered from persecution by the German medical association?

Mr. HILL. He did, as William Harvey, the discoverer of the circulation of the blood, had suffered.

Mr. DOUGLAS. So the medical profession in many instances sought to persecute and defeat the professional men who were later hailed as great discoverers?

Mr. HILL. There are a great number of instances of that kind.

The instant case is important in this struggle against monopoly in the healing arts. Here, as the petition points out, Mr. Sullins is convicted of having refused to use the practice of a healing art in which he does not believe but instead the practices of one in which he does believe, and his daughter died. He was accused of a crime, but at trial his action was not measurged against the standards of the healing art which he followed. Rather it was measured against the standards of the healing art of the majority. Thus, the State of California has become an instrument for

the work of the majority healing art. It has placed itself in the position of stamping out those who dare to disbelieve. As it today hounds Mr. Sullins, it would yesterday have hounded a Lister, a Pasteur, a Jenner, a Koch, an Oliver Wendell Holmes, Sr. And the day before it would have accused and convicted those who dared refuse to bleed during illness or use leeches. From this, progress does not come. From this, man in control may be more comfortable and secure in his comparative ignorance, but he does not learn.

In this context the instant case is of great significance to all Americans. Because of this significance, it is respectfully urged that this Court review the action of the court below.

Respectfully submitted,

KIRKPATRICK W. DILLING,
Esquire
188 West Randolph Street
Chicago 1, Illinois